



COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
PERFUSION BALLOON ANGIOPLASTY CATHETER

the specification of which (check one) ☐ is attached hereto

☒ was filed on 03/07/96
 as U.S. Application
 Serial No. 08/612,061

☐ and was amended on (if applicable) _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|------------------|-------------------------------|------------------|-----------|
| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <u>YES</u> | <u>NO</u> |
| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <u>YES</u> | <u>NO</u> |
| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <u>YES</u> | <u>NO</u> |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing

date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------------|-----------------|---|
| <u>08/441,618</u> | <u>05/15/95</u> | <u>Pending</u> |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

| | | |
|--------------------------|-----------------|---|
| <u>08/204,733</u> | <u>03/02/94</u> | <u>Abandoned</u> |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(14)

Lawrence M. Nawrocki, Reg. No. 29,333;
Wayne A. Sivertson, Reg. No. 25,645;
John L. Rooney, Reg. No. 28,898;
David M. Crompton, Reg. No. 36,772;
Glenn M. Seager, Reg. No. 36,926;
Steven E. Dicke, Reg. No. 38,431;
Brian N. Tufte, Reg. No. 38,638;
Craig F. Taylor, Reg. No. P40,199;
Donald A. Jacobson, Reg. No. 22,308; and
Lew Schwartz, Reg. No. 22,067
John A. Rissman, Reg. No. 33,674
Luke Dohmen, Reg. No. 36,783
Peter J. Gafner, Reg. No. 36,517
Robert E. Atkinson, Reg. No. 36,433


Send correspondence to:

Glenn M. Seager
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway Street Northeast
Minneapolis, Minnesota 55413
Tel: (612) 331-1464

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

YOGI

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B-R

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies):

James E. Cox
15820 Ninth Avenue North
Plymouth, MN 55447

Additional name(s) of conveying party(ies)
attached? ☒ Yes ☐ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

2. Name and address of receiving party(ies):

Name: SciMed Life Systems, Inc.

Internal Address: _____

Street Address: One SciMed Place

City: Maple Grove State: MN ZIP: 55311

Execution Date: May 13, 1996 and May 14, 1996

Additional name(s) & addresses attached?
☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/612,061 filed March 7, 1996

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: Glenn M. Seager

Address: NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway Street Northeast
Minneapolis, Minnesota 55413-3009

6. Total number of applications and patents
involved: 1

7. Total fee (37 CFR 3.41). . . \$40.00

☒ Enclosed
☒ Authorized to be charged to deposit
account any deficiencies in the enclosed
fees or credit any overpayment.

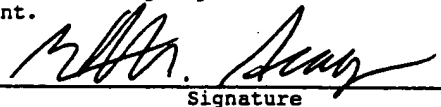
8. Deposit Account Number: 14-0620
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paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy
is a true copy of the original document.

Glenn M. Seager
Name of Person Signing


Signature

May 24, 1996
Date

Total number of pages comprising cover sheet, attachments and document: 6

OMB No. 0651-0011 (exp. 4/94)

Our File No.: 33019/138/103

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Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

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of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork
Reduction Project (0651-0011), Washington, D.C. 20503.

Form PTO-1584

Recordation Form Cover Sheet-Patents Only
Continuation Sheet

Page 2

Name of Additional Conveying parties:

1. Richard G. Cornelius
3163 Lafayette Ridge Road
Wayzata, MN 55391
2. Tracee E.J. Eidenschink
2232 Pinto Drive
Wayzata, MN 55391
3. Gregory A. Boldenow
6809 Valley Place North
Crystal, MN 55427
4. Brooke Q. Ren
13281 Yorktown Lane
Champlin, MN 55316

A S S I G N M E N T

WHEREAS, We, James E. Cox of 15820 Ninth Avenue North, Plymouth, Minnesota 55447; Richard G. Cornelius of ~~1129 Welcome Circle, Golden Valley, Minnesota 55422~~; Tracee E.J. Eidenschink of 2232 Pinto Drive, Wayzata, Minnesota 55391; Gregory A. Boldenow of 6809 Valley Place North, Crystal, Minnesota 55427; and Brooke Q. Ren of ~~6550 67th Avenue, #303, Brooklyn Park, Minnesota 55428~~, have invented certain new and useful improvements in a PERFUSION BALLOON ANGIOPLASTY CATHETER for which an application is about to be made for Letters Patent of the United States, said application having been executed on even date herewith, respectively, and which may be identified in the United States Patent and Trademark Office by Serial No. 08/612,061, filed March 7, 1996; and

AC
3163 LaSalle
Ridge Road
Wayzata, MN
55391

B.R.
3281
Yorktown W
Hamlin,
MN 55316

WHEREAS, SciMed Life Systems, Inc., a corporation organized and existing under the laws of the state of Minnesota, and having its principal offices at One SciMed Place, Maple Grove, Minnesota 55311-1566, is desirous of acquiring the entire right, title and interest in and to said invention, said application and in, to and under any and all Letters Patent to be obtained therefor;

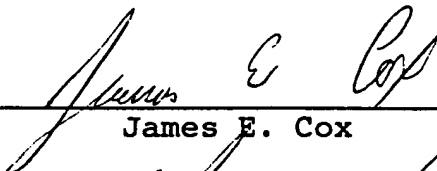
NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable considerations to us in hand paid by said SciMed Life Systems, Inc., the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto the said SciMed Life Systems, Inc., its successors and assigns, our entire right, title and interest in and to said invention, said application and the Letters Patent, both foreign and domestic, that may or shall issue, including all of our rights under the International Convention, and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned assignee in accordance herewith.

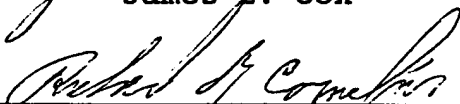
We Further Authorize said assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent, in its own name if desired, in any and all foreign countries, and additionally to claim the filing date of said United States application and/or otherwise take advantage of the provisions of the International Convention.

Upon Said Consideration, we do hereby covenant and agree with the said assignee, its successors and assigns, that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we or our executors or administrators will at any time upon request, without further or additional consideration, but at the expense of said assignee, its successors and assigns, execute such additional writings and do such additional acts as said assignee, its successors and assigns, may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making


application for and obtaining original, divisional, reissued or extended Letters Patent of the United States, or of any and all foreign countries on said invention, and in enforcing any rights, occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

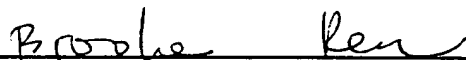
In Witness Whereof, we have hereunto set our hands and affixed our seals this 14th day of May, 1996, this 13 day of May, 1996, this 14 day of May, 1996, this 14 day of May, 1996, and this 13 day of May, 1996.


James E. Cox

 85-1396
Richard G. Cornelius


Tracee E.J. Eidenschink


Gregory A. Boldenow

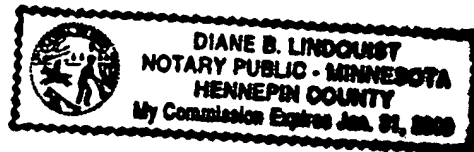

Brooke Q. Ren

STATE OF MINNESOTA)
COUNTY OF)

ss.

On this 14th day of May, 1996, before me personally appeared James E. Cox, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Diane B. Lindquist
Notary Public

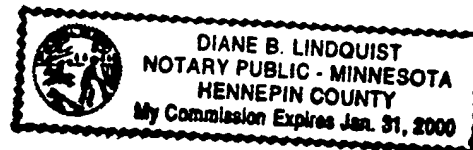


STATE OF MINNESOTA)
COUNTY OF)

ss.

On this 13th day of May, 1996, before me personally appeared Richard G. Cornelius, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Diane B. Lindquist
Notary Public

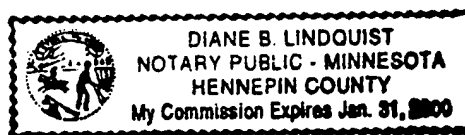


STATE OF MINNESOTA)
COUNTY OF)

ss.

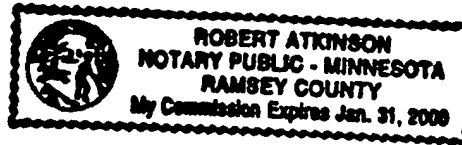
On this 14th day of May, 1996, before me personally appeared Tracee E.J. Eidenschink, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Diane B. Lindquist
Notary Public



STATE OF MINNESOTA)
COUNTY OF)

ss.



On this 14 day of May, 1996, before me personally appeared Gregory A. Boldenow, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public

STATE OF MINNESOTA)
COUNTY OF Hennepin)

ss.

On this 13th day of May, 1996, before me personally appeared Brooke Q. Ren, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public

